IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1953 OF 2007

Mr.Lalaso R.Pawar and Ors. ..Applicants

Vs.

State of Maharashtra ..Respondent

...

Mr.K.S.Patil advocate for applicants
Mr.Rajesh More A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 18, 2007

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking anticipatory bail in C.R.12 of 2007 of Kundal Police Station, Dist.Sangli. The said case is at present under Sections 307 and 326 of IPC. All the applicants have been named by the complainant in the FIR. Except applicant Nos.1,3, 7 and 9 all the other remaining applicants were armed with sticks. Applicant Nos.1, 3, 7 and 9 were armed with sharp edged weapons. The complainant has stated that names of these applicants as well as weapons held

by them. The complainant has clearly stated that all the applicants assaulted Mahadeo Suryawanshi, Ganpati Suryawanshi, Suresh Pawar and others. I have perused injury certificates of these three injured persons.

3. The learned A.P.P. on instructions states that injured persons are till today in the hospital. The injury certificate of Mahadeo Suryawanshi shows that he had fracture of the right frontal bone, multiple small haemorrhagic contusions of the brain. Suresh Pawar had fracture of the radius and other injuries on his body and Ganpati Suryawanshi had CLW over the forehead which is bone deep. There was acute bleeding. Due to the injury to the forehead, diffused cerebral edema was caused. Ganpati also sustained fracture of the tibia. There were also other injuries found on his body. The condition of Ganpati is serious at present. As stated earlier, he is still in the hospital.

4. Mr. Patil, the learned advocate for the applicants submitted that as far as applicant Nos.1, 3, 7 and 9 are concerned, they were armed with sharp edged weapons and none of the injured

persons had any injuries which could be attributable to sharp edged weapons. No doubt, this is so. But looking to the FIR, it is clear that applicant shared the common intention of the other accused. Hence, I am not inclined to grant anticipatory bail to any of the applicants.

5. Application is rejected.

[Smt.V.K.Tahilramani, J.]